

**WSR 09-11-012****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed May 7, 2009, 2:48 p.m.]

**Subject of Possible Rule Making:** Minor revisions to chapter 468-70 WAC, Motorist information signs.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 47.36.030 Traffic control devices—Specifications to counties and cities—Signs, banners over highways.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These rules (1) update certain signing eligibility requirements to reflect national trends and other states' practices regarding campgrounds and recreational activities, (2) correct the RCW number that references economic distressed areas, (3) increase the city/town population threshold to reflect RCW 47.24.020, and (4) increase the allowable number of business signs on intersection approach back panels to reflect the 2003 edition of the Manual on Uniform Traffic Control Devices.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** The department reviewed camping/recreational user trends and the signing practices of other states; and, monitored statutory references and amendments to assure appropriate cites.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Mowlds, Signing Engineer, WSDOT Headquarters Traffic Operations Office, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7988, fax (360) 705-6826, or e-mail [mowltsr@wsdot.wa.gov](mailto:mowltsr@wsdot.wa.gov).

May 7, 2009  
Stephen T. Reinmuth  
Chief of Staff

lification by contacting Alan Muia, Interim Dean of Student Services, Skagit Valley College, 2405 East College Way, Mount Vernon, WA 98273, (360) 416-7633, [alan.muia@skagit.edu](mailto:alan.muia@skagit.edu). Open public forums: May 26, 2:30-3:30 p.m., Multipurpose Room, 2405 East College Way, Mount Vernon, WA; and on June 2, 12:30-1:30 p.m., Oak Hall 306, 1900 S.E. Pioneer Way, Oak Harbor, WA.

May 8, 2009

Lisa Radeleff

Executive Assistant

**WSR 09-11-025****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 8, 2009, 4:35 p.m.]

**Subject of Possible Rule Making:** WAC 232-12-228 Hunter education deferral.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 77.12.047.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The proposed change will allow us to process hunter-education deferral applications more efficiently, which will benefit the public.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail [Lori.preuss@dfw.wa.gov](mailto:Lori.preuss@dfw.wa.gov). Contact by June 19, 2009. Expected proposal filing on or after July 1, 2009.

May 8, 2009

Lori Preuss

Rules Coordinator

**WSR 09-11-019**  
**PREPROPOSAL STATEMENT OF INQUIRY  
SKAGIT VALLEY COLLEGE**

[Filed May 8, 2009, 11:50 a.m.]

**Subject of Possible Rule Making:** Chapter 132D-120 WAC, Code of student conduct and grievance policy of Skagit Valley College.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 28B.50.140.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To clarify disciplinary and grievance procedures; to update language in guidelines and sanctions.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Title VII, 1964 Civil Rights Act and Title IX, 1972 Education Amendments, Section 504, Rehabilitation Act of 1973.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

**WSR 09-11-031**  
**PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed May 11, 2009, 2:06 p.m.]

**Subject of Possible Rule Making:** WAC 204-10-022 Body requirements.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.37.005 and 46.37.420.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Clarification for frame certification.

**Process for Developing New Rule:** Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Van Gorkom, P.O. Box 42600,

Olympia, WA 98504-2600, (360) 596-4017, Melissa.vangorkom@wsp.wa.gov.

May 8, 2009  
John R. Batiste  
Chief

**WSR 09-11-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed May 11, 2009, 2:09 p.m.]

Subject of Possible Rule Making: Chapter 204-50 WAC, Ignition interlock breath alcohol devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language for clarification to include the addition of definitions and an approved technology section. The language changes will also include new standards for ignition interlock device certification, approved service provider audits and billing.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trooper Steve Luce, Impaired Driving Section, 811 East Roanoke Street, Seattle, WA 98100, (206) 720-3018, steve.luce@wsp.wa.gov.

May 8, 2009  
John R. Batiste  
Chief

**WSR 09-11-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed May 12, 2009, 11:02 a.m.]

Subject of Possible Rule Making: Card games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change requesting changes to rules related to deposit and accounting requirements for player-supported jackpot funds in card games.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; and on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000.

May 12, 2009  
Susan Arland  
Rules Coordinator

**WSR 09-11-047**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2009-04—Filed May 13, 2009, 7:49 a.m.]

Subject of Possible Rule Making: The insurance commissioner adopted rules for property, casualty, disability, life and annuity products effective February 1, 2009, that require rates and forms to be filed through the system for electronic rate and form filing (SERFF). The commissioner is now considering new filing procedures for health care service contractors and health maintenance organizations to file rates and forms electronically through SERFF. The National Association of Insurance Commissioners (NAIC), as part of its speed to market initiative, developed the SERFF system and it is currently mandated by twenty states.

The SERFF system enables carriers to send and states to receive, comment on, and approve or reject various rate and form filings. SERFF offers a decentralized point-to-point, web-based electronic filing system. SERFF facilitates communication, management, analysis and electronic storage of documents and supporting information. The system is designed to improve the efficiency of the rate and form filing and approval process and to reduce the time and cost involved in making regulatory filings.

As part of this rule-making process, the insurance commissioner will develop rate and form filing procedures that are required by SERFF and compatible with electronic filings. The insurance commissioner will evaluate and consider all general rate and form filing procedures, and may propose rules to modify current rate and form filing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New processes and procedures will streamline rate and form filings, and provide clarity and consistency with respect to filing requirements. The SERFF system allows for more timely filing review and final disposition, which often allows insurance products to enter the marketplace faster.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

**Process for Developing New Rule:** The office of insurance commissioner will have discussions and exchange drafts of proposed rules with impacted stakeholders. Send written comments by July 6, 2009, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, fax (360) 586-3109, e-mail [KacyS@oic.wa.gov](mailto:KacyS@oic.wa.gov).

May 13, 2009

Mike Kreidler

Insurance Commissioner

**WSR 09-11-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed May 13, 2009, 7:58 a.m.]

**Subject of Possible Rule Making:** Raffles.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 9.46.070.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** During the 2009 legislative session two changes were made to laws relating to raffles: (1) The price of a raffle ticket was increased from \$25 to \$200; and (2) cities, counties and towns were authorized as a bona fide nonprofit organization for the purposes of conducting a raffle. Rule making may be necessary to update relevant WAC.

**Process for Developing New Rule:** Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; and on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000.

May 13, 2009

Susan Arland

Rules Coordinator

**WSR 09-11-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)  
 [Filed May 13, 2009, 8:52 a.m.]

**Subject of Possible Rule Making:** Chapter 246-886 WAC, Animal control—Legend drug and WAC 246-887-050 through 248-887-070, rules regulating sodium pentobarbital. The board of pharmacy will consider rules to incorporate the administration and record-keeping standards in its model policies for humane societies/animal control agencies as it relates to the use of legend drugs for preeuthanasia sedation. A technical correction is needed to remove Ketamine, the board will consider other drugs that may be appropriate for preeuthanasia sedation.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.64.005, 69.41.080, 69.50.310.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The board of pharmacy received a petition to consider rules to further regulate the purchase, possession and administration of legend drugs by animal control agencies and humane societies. Rules will help to clarify existing state laws and establish enforceable standards. Standards will include identifying authorized personnel, proper handling, administration, storage and record-keeping of legend drugs used for preeuthanasia sedation of injured, sick, homeless, or unwanted domestic pets and animals.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The rules process will include consultation with representatives of the federal Drug Enforcement Administration and the veterinary board of governors to ensure that the standards are compliant and consistent with all state and federal laws, rules and regulations.

**Process for Developing New Rule:** Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties will be asked to participate in rule-writing workshops and will be contacted via e-mail. Individuals wishing to join the interested parties list or submit comments for consideration may contact the board of pharmacy at [WSBOP@doh.wa.gov](mailto:WSBOP@doh.wa.gov) or by contacting Doreen Beebe at (360) 236-4834.

May 6, 2009

Doreen E. Beebe  
 Program Manager

**WSR 09-11-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**  
 [Filed May 13, 2009, 10:32 a.m.]

**Subject of Possible Rule Making:** Extended and outside service of alcohol.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW allows bowling alleys, golf courses, and other liquor licensed businesses to have extended and/or outside service. These activities have unique issues, including public safety, and need to be further addressed in rules.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

May 13, 2009  
Lorraine Lee  
Chairman

**WSR 09-11-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**  
[Filed May 13, 2009, 10:32 a.m.]

Subject of Possible Rule Making: Internet sales and home delivery of beer and wine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are limited provisions in current law on these subjects, and very little in current rules. Rules need to be written to reflect these activities, formalize associated public safety regulations, and to provide clear direction to liquor licensees in these areas.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

May 13, 2009  
Lorraine Lee  
Chairman

**WSR 09-11-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
[Filed May 13, 2009, 10:45 a.m.]

Subject of Possible Rule Making: Rules to implement legislation passed during the 2009 session authorizing penalties against minors that gamble.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2009 legislative session, a bill was passed that created penalties against minors that gamble. Rule making is needed for detention of minors under chapter 7.80 RCW and for in-house controlled purchase programs authorized by the commission.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail: [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; and on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000.

May 13, 2009  
Susan Arland  
Rules Coordinator

**WSR 09-11-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**  
[Filed May 15, 2009, 12:01 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator certification and out-of-state teacher requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar

of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

May 15, 2009  
David Brenna  
Legislative and  
Policy Coordinator

tion and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

May 18, 2009  
David Brenna  
Legislative and  
Policy Coordinator

**WSR 09-11-077****PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed May 18, 2009, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator certification and out-of-state teacher requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

May 18, 2009  
David Brenna  
Legislative and  
Policy Coordinator

**WSR 09-11-082****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed May 18, 2009, 10:59 a.m.]

Subject of Possible Rule Making: Charitable and non-profit organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify that all charitable and nonprofit organizations must meet significant progress requirements.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; and on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000.

May 18, 2009  
Susan Arland  
Rules Coordinator

**WSR 09-11-081****PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed May 18, 2009, 10:08 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certifica-

**WSR 09-11-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed May 18, 2009, 11:37 a.m.]

Subject of Possible Rule Making: Chapter 392-300 WAC, Fingerprint record checks—Access to records—Privacy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.303.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update WAC to comply with the RCW and include additional language to clarify the definition.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charles Schreck, Director, Office of Professional Practices, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6130.

May 18, 2009  
Randy I. Dorn  
Superintendent of  
Public Instruction

**WSR 09-11-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**APPLE COMMISSION**  
[Filed May 18, 2009, 1:20 p.m.]

Subject of Possible Rule Making: Chapter 24-12 WAC, Assessments. The commission is reviewing its rules relative to assessments and collection of assessments, including fresh apples designated for slices, to ensure consistency with statute, chapter 15.24 RCW, and current practice. Also, they are updating existing language to increase its clarity and readability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes in the assessment rate and collection practices have made the existing rule outdated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The commission discussed and reviewed a proposal at an open public meeting on March 26, 2009. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Todd Fryhover, President, Washington Apple Commission, P.O. Box 18, Wenatchee, WA 98807,

phone (509) 663-9600, fax (509) 662-5824, e-mail [todd.fryhover@waapple.org](mailto:todd.fryhover@waapple.org).

May 15, 2009  
Todd M. Fryhover  
President

**WSR 09-11-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed May 19, 2009, 9:55 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is reviewing the apple maggot and plum curculio provisions of its agricultural quarantine rule and may propose to modify conditions and boundaries established in the rule. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apple maggot is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from apple maggot free areas or locations has greater market access for international shipments.

Data collected from the recent apple maggot survey provides evidence that the state's apple maggot population has altered its range. Changes to the existing rule may better prevent or minimize possible movement of apple maggot and/or plum curculio from infested areas into uninfested areas, secure access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest by quarantine modification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, including the WSDA Apple Maggot Working Group. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail [mtoohey@agr.wa.gov](mailto:mtoohey@agr.wa.gov); or Dr. Brad White, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA

98504-2560, phone (360) 902-2071, fax (360) 902-2094, e-mail bwhite@agr.wa.gov.

May 18, 2009

Mary A. Martin Toohey  
Assistant Director

**WSR 09-11-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed May 19, 2009, 11:18 a.m.]

**Subject of Possible Rule Making:** The department is amending WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), and adult residential care (ARC), and enhanced adult residential care (EARC) services, and 388-105-0045 Bed or unit hold—Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home contracted to provide adult residential care (ARC), enhanced adult residential care (EARC), or assisted living services (AL).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.39.030, 18.20.290, and ESHB 1244.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:**

- To implement the 2009 legislative required reduction of the seventeen CARE level payment system rates for home and community residential providers.
- To implement notification requirements for home and community residential providers need when a medicaid resident is discharged for more than twenty-four hours on medical leave to a nursing home or hospital.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

May 19, 2009

Stephanie E. Schiller  
Rules Coordinator

**WSR 09-11-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Special Commitment Center)  
[Filed May 19, 2009, 12:11 p.m.]

**Subject of Possible Rule Making:** The department is amending WAC 388-880-005 Special commitment of sexually violent predators—Legal basis, 388-880-007 Purpose, 388-880-010 Definitions, 388-880-020 Authorization for indefinite commitment to the sexual predator program, 388-880-030 Sexual predator program initial evaluation, 388-880-031 Sexual predator program annual evaluation, 388-880-033 Evaluator—Qualifications, 388-880-034 Evaluator—Pretrial evaluation responsibilities, 388-880-035 Refusal to participate in pretrial evaluation, 388-880-036 Pretrial evaluation—Reporting, 388-880-040 Individual treatment, 388-880-042 Resident records—Purposes, 388-880-043 Resident clinical records—Location and custody, 388-880-044 Resident records—Access, 388-880-045 Resident records—Retention, 388-880-050 Rights of a person court-detained or court-committed to the special commitment center, 388-880-055 Recommendation for release to a less restrictive alternative (LRA), 388-880-060 Sexual predator program reimbursement, 388-880-070 Escorted leave—Purposes, 388-880-080 Reasons allowed, 388-880-090 Conditions, 388-880-100 Application requests and approval for escorted leave, 388-880-110 Escort procedures, 388-880-120 Expenses, 388-880-130 Expenses—Paid by resident, and 388-880-140 Expenses—Paid by department, and related rules as required.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 71.09 RCW and RCW 72.01.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These existing rules require updating to better reflect current practices and changes in chapter 71.09 RCW as they relate [to] matters associated with the civil commitment process of sexually violent predators.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** DSHS and the special commitment center welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Davis, Policy and Performance Administrator, DSHS Special Commitment Center, Mailstop W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 617-6283, fax (253) 589-6228, e-mail DavisMF@dshs.wa.gov.

May 19, 2009

Stephanie E. Schiller  
Rules Coordinator

**WSR 09-11-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed May 19, 2009, 12:16 p.m.]

**Subject of Possible Rule Making:** The community services division is proposing to amend WAC 388-466-0120 Refugee cash assistance, 388-466-0130 Refugee medical assistance, and other related WACs.

These amendments are necessary to revise rules regarding eligibility for assistance for special immigrants from Afghanistan. Special immigrants from Afghanistan are now eligible for eight months of federally funded assistance as allowed under federal law, and also to streamline the rules for medical spenddown for refugee medical assistance.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The proposed rule changes are in response to the Section 602, Division F of Pub. L No 111-08, the Omnibus Appropriations Act of 2009, which was signed into law on March 11, 2009, and Office of Refugee Resettlement (ORR) State Letter 09-17 from April 9, 2009.

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4641, fax (360) 725-4905, e-mail walkeop@dshs.wa.gov.

May 19, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-11-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed May 19, 2009, 12:18 p.m.]

**Subject of Possible Rule Making:** The community services division is proposing to amend WAC 388-450-0175 Does the department offer income deduction for the general assistance program as an incentive for clients to work?, 388-450-0110 Allocating income of a general assistance-unemployable (GA-U) client to legal dependents, 388-450-0135 Allocating income of an ineligible spouse to a GA-U client, and any other WACs related to budgeting income for general assistance (GA).

The department will propose amendments to align the GA earned income deductions with RCW 74.04.266 and the earned income incentive offered under the temporary assistance for needy families (TANF) program. The department will also propose revisions to WACs regarding allocating income for the GA program and will try to plain talk the WACs to make them more clear.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.266, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and ESHB 1244 as passed [by] the legislature in 2009.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department will propose amendments to align the GA earned income deduction with RCW 74.04.266 and earned income incentives offered under the TANF program.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail mathsma@dshs.wa.gov.

May 19, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-11-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
[Filed May 20, 2009, 8:07 a.m.]

**Subject of Possible Rule Making:** Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-300 Changing assigned registration year.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.01.110.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Rule making may be required to comply with HB 1478 passed by the legislature 2009 regular session.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed

rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 19, 2009

Jennifer Clawson  
for Mykel Gable  
Assistant Director

Driver and Vehicle Services

**WSR 09-11-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed May 20, 2009, 8:07 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-455 Assembled and home-made vehicles and 308-56A-160 Model year, how determined.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to comply with RCW 46.12.440 and 46.16.680 and SB 5719, relating to title and registration requirements for kit vehicles, chapter 284, Laws of 2009.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol.

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 19, 2009

Jennifer Clawson  
for Mykel Gable  
Assistant Director

Driver and Vehicle Services

**WSR 09-11-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Hearing and Speech)  
[Filed May 20, 2009, 8:17 a.m.]

Subject of Possible Rule Making: WAC 246-828-XXX Prohibiting the use of the title "audioprosthologist."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Hearing instrument fitter/dispensers can complete a thirteen month American Conference of Audioprosthology (ACA) program through the American Council on Education to enhance their hearing instrument fitter/dispenser (fitter/dispenser) credential. After course completion they are given the title "audioprosthologist." The board of hearing and speech (board) is considering prohibiting the use of the title "audioprosthologist" by hearing instrument fitter/dispensers because it may be misleading to the public. The board will consider whether the title implies a higher level of education and if it might be confusing if consumers believe they are seeing an audiologist.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the rule-making process by providing comments on proposed language and/or attending a rules workshop. Notices will be sent to interested parties through ListServ and by regular mail. Send written comments to Janette Benham, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4857, fax (360) 236-2901, or e-mail janette.benham@doh.wa.gov.

May 20, 2009

Janette Benham  
Program Manager

**WSR 09-11-120**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed May 20, 2009, 9:02 a.m.]

Subject of Possible Rule Making: WAC 260-36-085 License and fingerprint fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is required to collect license fees in order to cover the costs of the licensing program RCW 67.16.020(1). The last time the WHRC had a license fee increase was 2008. With the passage of ESHB 1244 the WHRC is authorized to increase license and fingerprint fees as necessary to support the agency's appropriation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Executive Secretary Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

May 20, 2009

R. J. Lopez  
Executive Secretary

to one for the 2009-10 school year and thereafter, pursuant to section 503(7) of the 2009-11 state Biennial Operating Appropriations Act, ESHB 1244. A "housekeeping" update adds program 34, middle school career and technical education—state, to the programs where funding for learning improvement days applies.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

May 14, 2009

Randy I. Dorn  
State Superintendent of  
Public Instruction

#### **WSR 09-11-124**

#### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF**

#### **FINANCIAL INSTITUTIONS (Division of Consumer Services)**

[Filed May 20, 2009, 10:08 a.m.]

Subject of Possible Rule Making: Amending the rules (chapters 208-680A - 208-680G WAC) under the Escrow Agent Registration Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules on bonding requirements must be amended for clarity and consistency.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Hampton, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, ehampton@dfi.wa.gov, DFI web site www.dfi.wa.gov, ListServ subscription.

May 20, 2009

Deborah Bortner, Director  
Division of Consumer Services

#### **WSR 09-11-127**

#### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY**

[Order 09-04—Filed May 20, 2009, 10:49 a.m.]

Subject of Possible Rule Making: This rule making will implement the Children's Safe Product Act (CSPA) – chapter 70.240 RCW, by adopting a new rule chapter 173-334 WAC, Children's safe products rule. The rule will clarify definitions, establish the reporting process, and establish the method the public can use to provide comments on the modification of the list of chemicals manufacturers must report on.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Children's Safe Product Act (CSPA), chapter 70.240 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As signed into law, the CSPA requires manufacturers of children['s] products to report the presence of chemicals of high concern to children (CHCC) to the department. The purpose of the rule is to clarify the following: The process to be used to update the reporting list for CHCC, definitions of several key terms, the reporting process and other issues which may come up during the pilot rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology is working directly with the state's department of health in the development of the CHHC [CHCC] list. Additionally, we have reviewed and are in communication with other states having similar legislation, including California, Maine and Connecticut.

Process for Developing New Rule: Pilot rule making; and ecology will use the rule-making process authorized by RCW 34.05.313 to inform the development of the final rule. Ecology will form an advisory group. Ecology will draft pilot rule language and seek review from the advisory group, and interested parties. Ecology will also seek volunteers to participate in the pilot project. Ecology will write a report

#### **WSR 09-11-126**

#### **PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed May 20, 2009, 10:15 a.m.]

Subject of Possible Rule Making: WAC 392-140-950 through 392-140-967, Finance—Special allocations—Learning improvement days.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment reduces the number of state-funded learning improvement days from two

describing the issues and recommend solutions based on input from pilot project participants.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Pilot Rule Coordinator, John Williams, Department of Ecology, Headquarters, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6940, e-mail JOWI461@ecy.wa.gov, web site <http://www.ecy.wa.gov/programs/swfa/rules/ruleChildSafe.html>.

Ecology will send information to interested parties and post information on its web site. Interested parties can sign up for an e-mail list serve [ListServ] or visit the rule-making web site for updates on the rule and CSPA implementation. All advisory group meeting notes and comments will be posted on the web site. All documents generate[d] during the pilot project will be available to the public.

May 18, 2009  
Laurie G. Davies  
Solid Waste and Financial  
Assistance Program Manager